

AO 91 (Rev. 11/11) Criminal Complaint

AUSA Christopher V. Parente (312) 886-2447

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILEDMAR 26 2019 *PL*

UNITED STATES OF AMERICA

CASE NUMBER:

v.

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

CONCEPCION MALINEK

19CR 277
MAGISTRATE JUDGE COLE

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From in or around December 2018 to on or about March 26, 2019, at Cicero, and elsewhere, in the Northern District of Illinois, Eastern Division, the defendant violated:

*Code Section**Offense Description***Count 1:**

Title 18, United States Code, Section
1589(a)(2) and (a)(4)

knowingly provided and obtained the labor and services of a person, namely Victim D, by means of serious harm and threats of serious harm and by means of any scheme, plan, and pattern intended to cause Victim D to believe that, if Victim D did not perform such labor or services, Victim D or another person would suffer serious harm.

Count 2:

Title 18, United States Code, Section
1589(a)(2) and (a)(4)

knowingly provided and obtained the labor and services of a person, namely Victim E, by means of serious harm and threats of serious harm and by means of any scheme, plan, and pattern intended to cause Victim E to believe that, if Victim E did not perform such labor or services, that Victim E or another person would suffer serious harm.

This criminal complaint is based upon these facts:

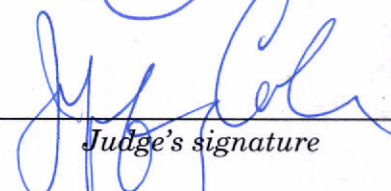
X Continued on the attached sheet.


ASHLEY KIZLER

Special Agent, Federal Bureau of Investigation
(FBI)

Sworn to before me and signed in my presence.

Date: March 26, 2019


Judge's signature

City and state: Chicago, Illinois

JEFFREY COLE, U.S. Magistrate Judge

Printed name and Title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

ss

AFFIDAVIT

I, ASHLEY KIZLER, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed for seven years. As part of my duties as an FBI Special Agent, I investigate criminal violations relating to civil rights offenses, to include human trafficking and labor trafficking, and crimes against children. I have participated in investigations involving violations of various federal laws, including public corruption, wire fraud and mail fraud, forced labor, sex trafficking of children and through means of force, fraud and coercion.

2. This affidavit is submitted in support of a criminal complaint alleging that Concepcion Malinek ("MALINEK") has violated Title 18, United States Code, Sections 1589(a)(2) and (a)(4). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging MALINEK with labor trafficking, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents and from persons with knowledge regarding relevant facts.

I. BACKGROUND

3. In March 2019, FBI received information from Individual A regarding a potential victim of human trafficking.¹ Individual A stated that a coworker, Victim B, told Individual A he was being held in a basement in Cicero with twenty other Guatemalans and forced to work by a female who owned the residence.

4. On March 15, 2019, law enforcement contacted Individual A regarding the above information. Individual A stated that Victim B, along with Victim B's wife, Victim C, work with Individual A at a factory in Romeoville, Illinois. Individual A stated that Victim B told Individual A that Victim B and Victim C, along with approximately five other Guatemalan employees at the factory are all living in the basement of a residence in Cicero, Illinois (the "Residence"). Individual A stated that Victim B told Individual A the owner of the Residence, later identified by law enforcement as MALINEK, is a woman who keeps an eye on them constantly. Victim B further told Individual A that the woman who owned the Residence does not let the victims go anywhere without her and that she transports them to work every day in a white passenger van and picks them up after their shift. Individual A further stated that Victim B told Individual A the victims pay \$450 per month in rent plus \$50 per person for transportation to/from work. The woman also charged the victims to watch any children they have at the Residence while they go to work. Individual A stated that Victim B told Individual A he is scared to talk to law enforcement because the

¹ Individual A is an employee at a factory located in Romeoville, Illinois. Individual A has no criminal history and is receiving no benefits from the providing of this information.

woman constantly threatens him and the others with immigration consequences if they talk about their arrangement.

5. On March 21, 2019, and March 23, 2019, law enforcement interviewed Victims B and C. On March 23, 2019, law enforcement interviewed Victim D. On March 26, 2019, law enforcement interviewed Victim E. No promises or payments have been made to them regarding this investigation.

a. Victim D

6. Victim D is a citizen of Guatemala. Victim D resides at the Residence with his 15 year old daughter, Victim E. Victim D stated he paid Guatemalan officials \$14,000 to get to the United States. Victim D knew MALINEK from working construction at a hotel in Guatemala owned by MALINEK.² In December 2019, Victim D and Victim E crossed the border in Texas and reported to immigration authorities. Victim D provided immigration officials with MALINEK's name and the address of the Residence as the residence he would be residing at pending his immigration disposition. After arriving at the Residence, Victim D stated MALINEK told him he owed her \$18,000 for letting him use her name and residence on his immigration paperwork and for getting him from the border to the Residence.

7. After Victim D's arrival at the Residence, MALINEK sent Victim D to a temporary staffing agency and told Victim D to be asked to be placed at Company A. Victim D explained he makes approximately \$1,956 a month working at Company A.

² Victim D identified a photograph of Concepcion Malinek as the individual he knew who owned the Residence and who controlled his debt

From that he pays MALINEK a total of \$974 per month. The money MALINEK charges Victim D per month is detailed as follows: (1) \$200 towards his debt; (2) \$424 for "bills"³; (3) \$200 for transportation to/from work; and (4) \$35 for the phone MALINEK gave him. Victim D explained that MALINEK keeps track of all amounts owed in a ledger which she fills in after each payment. Victim D described the ledger as a standard looking notebook which is kept inside the Residence.

8. Victim D stated that MALINEK has told him and other victims on multiple occasions that if they talk to anyone about what was going on inside the Residence they would be deported back to Guatemala and their kids will stay in the United States with CONCEPCION.

9. Victim D stated that he lives in the basement but that Victim E, his 15 year old daughter, resides on the first floor of the Residence. Victim D stated nobody is allowed to leave the basement of the Residence to go upstairs unless they call MALINEK and receive permission. Victim D stated that his daughter is allowed to come down to the basement to visit him, but only for limited periods of time.

10. Victim D stated that MALINEK drives him and many of the other victims to and from work every day.

b. Victim E

11. Victim E is 15 years old and is a citizen of Guatemala. Victim E stated she travelled to the United States in approximately December 2018 with her father,

³ Victim D was unable to identify what "bills" this covered. Victim D explained MALINEK just told him it covers "bills."

Victim D, and went to live at the Residence. Victim E explained that before leaving Guatemala they spoke to MALINEK by telephone and were told it would cost \$5,000 to come to the United States. However, once they arrived at the Residence, MALINEK told them they owed her \$10,000 for bringing them to the United States.⁴ Victim E explained that once she and her father crossed the Mexico/US border and encountered U.S. authorities, MALINEK paid for their airline tickets to Chicago and picked them up at the airport.

12. Victim E stated that after arriving at the Residence, MALINEK took her photograph and later brought her a fraudulent identification document which purported that Victim E was 28 years old. MALINEK later obtained employment for Victim E at Company A. Victim E stated that MALINEK drove her to and from work every day. Victim E explained that she turns over her entire paycheck to her father, Victim D, who then provides the funds to MALINEK, in order to help pay off their debt to MALINEK. Victim E stated that MALINEK said if they did not pay off the debt that she would throw them out of the Residence so they continue to make payments. Victim E stated she has lived in the Residence since she arrived in Chicago.

13. Victim E further stated that she heard from others that MALINEK would call immigration officials and individuals would be deported if they talked about what was happening inside the Residence.

⁴ Victim E identified a photograph of Concepcion Malinek as the individual she knew who owned the Residence and who controlled her debt.

c. Victim B

14. Victim B is a citizen of Guatemala. Victim B stated he travelled to the United States in May 2018 along with his 12 year old son, and was detained by immigration authorities. Victim B contacted MALINEK by telephone and agreed with MALINEK to provide MALINEK's name and residence as the place he would be staying.⁵ Victim B stated that MALINEK charged him \$7,000 for getting him to the United States.⁶ Victim B stated that he paid MALINEK approximately \$600 per month to pay off his debt. Victim B stated that his passport was seized by immigration officials and two times per month MALINEK drives him to meet with someone who Victim B believes to be a U.S. Immigration official. Victim B states that these meetings are brief and MALINEK charges him \$50 for the ride to each visit. Victim B stated that two weeks ago MALINEK arranged for his wife and second child to come to the United States in exchange for \$30,000. Victim B agreed to a similar payment plan with MALINEK to have his wife and child brought over to the United States.

15. Victim B stated that he and his wife live in the basement of Residence, along with their 10 year old daughter and 12 year old son.⁷ Victim B stated there are approximately 34 people living in the Residence, including approximately 16 children. Victim B stated that he believes the majority of the individuals in the

⁵ Victim B stated his mother provided him with MALINEK's telephone number before he left Guatemala.

⁶ Victim B identified a photograph of Concepcion Malinek as the individual he knew who owned the Residence and who controlled his debt.

⁷ Victim B stated his 10 year old daughter is not in school.

Residence are aliens claiming political asylum, but at least two of the aliens are in the United States illegally with no pending asylum claim.

16. Victim B stated that MALINEK gave all the victims their own cell phone to use to communicate with her and others. Victim B stated that every Thursday all victims are required to be in the Residence for a house visit by immigration officials. Victim B stated that MALINEK would call each family upstairs on Thursday, using their cell phones to reach them, one at a time, to meet with the "immigration officials."

17. Victim B stated that after arriving at the Residence, MALINEK told him he owed her \$7,000 for her bringing him to the United States. Victim B stated MALINEK sent him to a temporary employment agency and told him to request to work at Company A. Victim B stated that many of the other individuals living in the basement of the Residence also work at Company A. All the individuals work the same shift, 3:00p.m. through 12:30a.m. Monday through Friday. Victim B explained that MALINEK would drive all the victims from the Residence to Company A and pick them up at the end of the night. The victims would immediately return to the basement of the Residence. MALINEK charged each victim \$50 per week for transportation to/from work.

18. Victim B explained that he was paid approximately \$1,956 per month from Company A. He would cash his checks at a currency exchange and have to pay

MALINEK the following amounts every month: (1) \$200 towards his debt; (2) \$424 for "bills"⁸; (3) and \$100 for rides to/from work.

d. Victim C

19. Victim C is a citizen of Guatemala. Victim C is married to Victim B and has two children. They all reside at the Residence.

20. Victim C explained that she arrived at the Residence in approximately March 2019, approximately two weeks ago. Victim C stated that MALINEK charged her \$30,000 for bringing her and her daughter to the United States.⁹ After Victim C's arrival at the Residence, MALINEK sent Victim C to a temporary staffing agency and told Victim C to be asked to be placed at Company A. Victim C did as instructed and currently works at Company A. Victim C explained that she uses her salary to pay off her debt to MALINEK.

21. Victim C stated that MALINEK told her if she said anything to anyone about what was happening inside the Residence she would lose her children. Victim C stated that MALINEK is verbally abusive to the victims. Victim C stated MALINEK has told them, "immigration knows how many people live in this house, you guys are poor and I have all the money." Victim C also stated that, at times, MALINEK challenged the victims to call immigration officials to report their living situation, explaining, "they already know you are here, so go ahead and call them."

⁸ Victim B was unable to identify what "bills" this covered. Victim B explained MALINEK just told him it covers "bills."

⁹ Victim C identified a photograph of Concepcion Malinek as the individual she knew who owned the Residence and who controlled her debt.

Victim C believed that MALINEK meant if Victim C tried to contact the authorities for help that they would not help her.

22. Victim C stated that MALINEK posted “rules” on the door going from the basement to the upstairs. One of the “rules” stated that the basement had to be clean before everyone left for work and they would have to pay a fine. Another “rule” was a schedule for cleaning the Residence that had all of the victims with a different cleaning shift. None of the victims were compensated for their cleaning services.

e. Search Warrant

23. On March 26, 2019, at approximately 6:15a.m., a federal search warrant was executed at the Residence. Law enforcement recovered a total of 33 individuals living in the home, including 19 adults and 14 children. All were believed to be citizens of Guatemala.¹⁰ Victims B, C, D, and E were all found in the Residence at the time of the search.

24. Law enforcement also recovered a ledger in MALINEK’s bedroom¹¹ which appears to document the amounts MALINEK charged the aliens. The ledger lists the total amount of money owed by the victims, as well as past payments made. The ledger also contains signatures of the victims and MALINEK, as well as what purports to be contract type language regarding the debts owed to MALINEK.

¹⁰ Law enforcement is still working on verifying the immigration status of all victims in this investigation.

¹¹ Law enforcement believes this to be MALINEK’s bedroom based on MALINEK’s identification of the bedroom where the ledger was located as her bedroom.

Included in the ledger for at least of one the victims is the sentences which reads, “you are free to leave or stay after the debt has been paid.”

25. Law enforcement also recovered fraudulent U.S. permanent resident cards and social security cards depicting Victim D and Victim E’s photograph from inside the Residence. The fraudulent document for Victim E falsely states that she is 27 years old.

26. Law enforcement also recovered from the back of the door in the basement of the Residence a listing of the “rules” which were consistent with description noted above by Victim C.

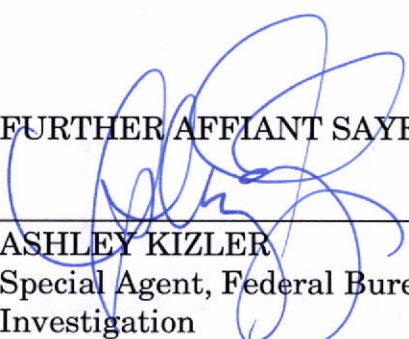
f. Information From Company A

27. A representative of Company A confirmed that Victims B, C, D, and E are all current employees of Company A.

CONCLUSION

28. Based upon the above information, there is probable cause to believe that Concepcion MALINEK knowingly provided and obtained the labor and services of a person, namely Victims D and E, by means of serious harm and threats of serious harm and by means of any scheme, plan, and pattern intended to cause Victims D and E to believe that, if Victim D and E did not perform such labor or services, Victims D and E or another person would suffer serious harm.

FURTHER AFFIANT SAYETH NOT.



ASHLEY KIZLER
Special Agent, Federal Bureau of
Investigation

SUBSCRIBED AND SWORN to before me on March 26, 2019.



JEFFREY COLE
United States Magistrate Judge